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AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 22nd October 1954

No. 14/18/54-L&J.—The following Bill is published under rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information:—

BILL No. 12 of 1954

A Bill to amend the Ajmer Tenancy and Land Records Act, 1950.

Be it enacted by the Legislative Assembly of the State of Ajmer in the fifth year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Ajmer Tenancy and Land Records (Amendment) Act, 1954.

(2) It shall come into force at once.

2. Interpretation.—The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Amendment of section 4, Act XLII of 1950.—In section 4 of the principal Act,

(1) after clause (5) the following clause shall be inserted, namely:—

“(5A) “Bigha” means 1936 square yards of land.”

(2) after clause (6) the following clause shall be inserted, namely:—

“(6A) “Bir” means any piece of land in any village which is set apart or maintained by a landlord or a tenant

as a grass preserve, but does not include land taken up under section 3 of the Forests Regulation, 1874 (VI of 1934)."

(3) after clause (28) the following clause shall be inserted, namely:—

"(28A) "Pasture land" means a piece of any uncultivated land customarily set apart for the grazing of cattle of the village in which such land is situate."

(4) for item (iii) of clause (35) the following item shall be substituted, namely:—

"(iii) A Record Officer, a Rent Rate Officer and an Assistant Record or Rent Rate Officer."

420 Amendment of section 57 of Act XLII of 1950.—In section 5 of the principal Act, the proviso shall be omitted.

5. Insertion of new section 9A in Act XLII of 1950.—After section 9 of the principal Act, the following "section" shall be inserted, namely:—

"9A. Settlement of certain disputes.—Any dispute arising in respect of any of the matters specified in section 6 or section 9 shall be decided by the Sub-Divisional Officer and the application of the aggrieved party and his decision thereon, shall subject to the provisions of this Act, be final."

6. Substitution of new section for section 10 of Act XLII of 1950.—For section 10 of the principal Act, the following section shall be substituted, namely:—

"10. —**Definition.**—**Khudkashi** means khudkashi demarcated under the provisions of this Chapter or recorded as khudkashi in any field book maintained for the year 1933-54 under section 130."

7. Amendment of section 18, Act XLII of 1950.—In section 18 of the principal Act, in clause (b) the word "or" shall be added at the end and after clause (a) the following clause shall be inserted, namely:—

"(b) where a tenant has made any improvement in his holding after the commencement of this Act of the nature referred to in item (a), (b), (c), (e) or (f) of sub-clause (ii) of clause (15) of section 2."

8. Amendment of section 57, Act XLII of 1950.—In section 57 of the principal Act, after the existing proviso the following proviso shall be added, namely:—

"Provided also that the tenant shall not surrender any a portion of his holding unless—
 (a) "Bir" means any land which is not cultivated or tenant either such portion has been rendered uncultivable on account of flood, erosion or other like cause, or

land as gained by the tenant of such position has been enhanced by order of any court and the tenant does not agree to pay the enhanced rent."

9. Amendment of section 77, Act XLII of 1950.—In section 77 of the principal Act, the words "the tenant" shall be substituted for the words "the landholder or the tenant".

10. Amendment of section 78, Act XLII of 1950.—In section 78 of the principal Act, the words "or cash" shall be omitted.

11. Substitution of section 87 in Act XLII of 1950.—For section 87 of the principal Act, the following section shall be substituted, namely:

87. Owners of tanks to supply water and charge irrigation dues.—Subject to any rules made under this Act by the Chief Commissioner, the owner of a tank, well or other sources of irrigation shall—

(a) supply water from the tank, well or other sources of irrigation for the purpose of irrigation to every person who was receiving water from the tank, well or other sources of irrigation for the said purpose, during any two agricultural years falling within a period of seven years immediately preceding the commencement of the Ajmer Tenancy and Land Records (Amendment) Act, 1954; and (b) be entitled to charge irrigation dues at such rates as may be prescribed from every person to whom water is supplied under clause (a).

12. Amendment of section 91, Act XLII of 1950.—In section 91 of the principal Act,

(1) the words "the owner of a tank, well or other sources of irrigation" shall be substituted for the words "the owner of a tank, well or other sources of irrigation" and

(2) the words "the owner of a tank, well or other sources of irrigation" shall be substituted for the words "the owner of a tank, well or other sources of irrigation" and the following shall be inserted as sub-section (2), namely:—

"(2) Notwithstanding anything contained in any law, agreement, Sanad or the Resam of Rights, no Jagirdar or Muzadar shall receive from any Bawadar as revenue payable by him more than one-twelfth of the produce of his holding."

13. Substitution of new section for section 102, Act XLII of 1950.—For section 102 of the principal Act, the following shall be substituted, namely:

"102. Remedies for wrongful ejectment.—A tenant ejected from his holding on any part thereof otherwise than in accordance with the provisions of this Act."

(a) by his landholder or any person claiming as landholder to have a right to eject him, or

(b) by any person admitted to or allowed to retain possession of the holding by such landholder or person, whether as tenant or otherwise,

may, within one year of such ejectment, apply to the Sub-Divisional Officer—

(i) for possession of the holding;

(ii) for compensation from the landholder for wrongful dispossession; or

(iii) for compensation from the landholder for any improvement he may have made or for a tree belonging to him."

14. Substitution of a new section for section 112, Act XLII of 1950.—For section 112 of the principal Act, the following section shall be substituted, namely:—

"112. Compensation for refusal to supply water by owner of a tank.—

(1) If the owner of a tank, well or other sources of irrigation refuses or fails to supply water to any person as required by section 87, the Sub-Divisional Officer may, on an application made by such person and after making such enquiry as he deems fit, make an order in writing directing the owner of the tank, well or other sources of irrigation to supply to such person such quantity of water and within such time as may be specified in the order.

(2) If the owner of a tank, well or other sources of irrigation fails to comply with an order made by the Sub-Divisional Officer under sub-section (1), the Sub-Divisional Officer shall, unless the owner of the tank, well or other sources of irrigation had lawful excuse for not complying with the order, award to the person to whom water was to be supplied a sum not exceeding five hundred rupees as compensation.

(3) In assessing compensation under sub-section (2), the Sub-Divisional Officer shall have regard to the extent of the damage caused to the crop of the person to whom water was to be supplied, by reason of the failure of the owner of the tank, well or other sources of irrigation to supply water to such person in terms of the order made by the Sub-Divisional Officer under sub-section (1)."

15. Omission of section 124, Act XLII of 1950.—Section 124 of the principal Act shall be omitted.

16. Amendment of section 132, Act XLII of 1950.—In sub-section (2) of section 132 of the principal Act, in clause (b) for the words

"Jagirdars and Muafidars" the words "Bhoomiyas, Jagirdars and Muafidars" shall be substituted.

17. Amendment of section 178, Act XLII of 1950.—In section 178 of the principal Act, in clause (b) for the word "three" the word "two" shall be substituted.

18. Amendment of section 182, Act XLII of 1950.—In section 182 of the principal Act, in clause (i) for the words "seven days", the words "thirty days" shall be substituted.

19. Amendment of section 187, Act XLII of 1950.—In sub-section (1) of section 187 of the principal Act, after the words "the Judicial Commissioner may" the words, "of his own motion or" shall be inserted.

20. Omission of section 198, Act XLII of 1950.—Section 198 of the principal Act shall be omitted.

21. Amendment of the First Schedule to Act XLII of 1950.—In the First Schedule to the principal Act,

(1) in paragraph 1 the words "other than sub-tenants" shall be deleted;

(2) in the table below sub-paragraph (2) of paragraph 6 for the heading in column 3 "other waste land" the heading "waste land and pasture land" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Ajmer Tenancy and Land Records Act, 1950 was enacted by Parliament and certain difficulties have been experienced in the enforcement of that Act and giving effect to its purposes and intentions. The object of the present Bill is to remove some of the immediate difficulties. When the intermediaries in the State are abolished, land reform will be undertaken on a considerable scale. A Bill for the abolition of intermediaries and for land reform is also being introduced in the Legislative Assembly, but it is bound to take some time before that Bill is passed into law and is brought into force. The present Bill for the amendment of the Ajmer Tenancy and Land Records Act, 1950 is intended to meet the immediate needs of the tenantry.

Some important amendments in the Bill are as follows:—

1. A hereditary tenant making an improvement may now acquire the rights of an occupancy tenant.

2. Owners of tanks and wells have to supply water to persons who have received it previously and otherwise may have to pay compensation.

3. The biswedars appear on the list of proprietors and they do not get the full benefit of the Tenancy Act. Their position will be improved after the amending Bill passes into law.

4. The rights of sub-tenants will improve in certain cases.

BRIJ MOHAN LAL SHARMA,

Minister-in-charge.

G. S. GAITONDE,

Secretary to Government, Ajmer.